

Federal Communications Commission

DA 99-1219

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-69
Table of Allotments,)	RM-9468
FM Broadcast Stations.)	
(Giddings and Buda, Texas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 16, 1999

Released: June 25, 1999

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by LBJB Broadcasting Company, L.P. ("LBJB"), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 3567 (1999), requesting the reallocation of Channel 268C1 from Giddings, Texas, to Buda, Texas, and modification of the license for Station KROX to specify Buda as the community of license. LBJB filed supporting comments in which it reaffirmed its interest in Channel 268C1 at Buda. No other comments were received in response to the Notice in this proceeding.

2. Based upon the information presented in this proceeding, we believe the public interest would be served by reallocating Channel 268C1 from Giddings, Texas, to Buda, Texas, since it would result in a preferential arrangement of allotments pursuant to the Commission's Change of Community procedures. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990). Buda is located in Hays County in the central part of the state of Texas. Buda has a mayor and city council type government, is served by the Buda Volunteer Fire Department, the Mustang Ridge Police Department and the community has a local newspaper, the Free Press. Buda has its own post office and zip code, local schools a public library, churches, numerous businesses and community organizations that serve the needs and interests of the citizens of Buda. Buda, with a population of 1,795 people according to the 1990 Census, would receive its first local service thus fulfilling allotment priority (3) of the Commission's allotment priorities.¹ This action will not deprive Giddings of local service

¹ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time service; (3) First local service; and (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3).] See Revision of FM Assignment Policies and Procedures, 90 FCC Rcd 29 88 (1982).

as Station KANJ(FM) is licensed to Giddings. Retention of Channel 268C1 in Giddings triggers priority (4), other public interest matters.

3. The reallocation proposal is consistent with the requirements set forth in Change of Community, *supra*. As stated in the Notice, there will be no decline in service area or number of listeners reached because Station KROX does not intend to change its transmitter location. Station KROX will continue to provide a city-grade signal to the residents of Giddings without disruption. Both Giddings and Buda receive five or more reception services and are considered to be well-served. Further, although our analysis does show that the 60 dBu contour from Station KROX will encompass 94.7% of the Austin Urbanized Area, coverage by the 70 dBu signal covers less than 50% of the Austin Urbanized Area. Therefore, LBS was not required to provide a Tuck showing.²

4. Channel 268C1 can be allotted to Buda, Texas, in compliance with the Commission's minimum distance separation requirements at LBS's specified site.³ In accordance with Section 1.420(i) of the Commission's Rules, we modify the license for Station KROX to specify operation on Channel 268C1 at Buda, Texas, as its new community of license.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 9, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Buda, Texas	268C1
Giddings, Texas	-----

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of LBS Broadcasting Company, L.P. for Station KROX, Channel 2268C1, Giddings, Texas, IS MODIFIED to specify operation on Channel 268C1 at Buda, Texas, subject to the following conditions:

² If a station requests to change its community of license to one that is outside an urbanized area but whose signal would place a city grade, 70 dBu signal, over 50% or more of an Urbanized Area, the proponent is required to provide the same showings as currently required for those parties seeking to move to a community within an Urbanized Area. See Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995).

³ The coordinates for Channel 268C1 at Buda are 29-57-00 and 97-22-13.

(a) Nothing contained herein shall be construed as authorizing any change in license BLH-950621KC except for the community as specified above. Any changes, except those specified, require prior authorization pursuant to an application for construction permit. (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-950621KC, except for the community as specified above, and a license application (Form 302) is filed within 10 days of commencement of program tests.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, LBJS Broadcasting Company, L.P., licensee of Station KROX, is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license from Giddings to Buda, Texas.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions relating to the application filing process should be addressed to the Audio Services Division, Mass media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

